

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Walton Grohman,

Plaintiff,

v.

Investment Retrievers, Inc,

Defendant(s).

Civil Action No: 4:19-cv-2188

**AMENDED COMPLAINT
DEMAND FOR JURY TRIAL**

NOW COMES, Plaintiff WALTON GROHMAN (“Plaintiff”), by and through his attorneys, The SHAWN JAFFER LAW FIRM, PLLC, for his complaint against Defendant INVESTMENT RETRIEVERS, INC. (“Defendant”), *to wit*, for violations of 15 U.S.C. § 1692 *et seq.*, the Fair Debt Collection Practices Act (“FDCPA”).

PRELIMINARY STATEMENT

1. This is an action for statutory damages, costs, and attorney’s fees pursuant to 15 USC §1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action and all counts under 28 U.S.C. §§ 1331, 1337 and 15 U.S.C. § 1692k.

3. Venue in this District is proper under 28 U.S.C. §§ 1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred here.

PARTIES

4. Plaintiff is a natural person residing at 28826 Sedgefield St, Spring, TX 77388.

5. Plaintiff is allegedly obligated to pay a debt to Defendant.

6. Plaintiff is a “Consumer” meaning any natural person obligated or allegedly obligated to pay any debt.

7. Defendant is a company that is organized under the laws of California.

8. Defendant is a collection agency headquartered in Folsom, CA.

9. Defendant regularly collects debts from consumers in the States of Texas.

10. The “Current Creditor” is Investment Retrievers, Inc.

11. The debt at issue (the “Consumer Debt”) is the amount Plaintiff allegedly owes the Current Creditor.

12. The Consumer Debt is an obligation or alleged obligation of a Consumer to pay money arising out of a transaction in which the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes.

13. Defendant engages in interstate commerce by regularly using telephone and mail in a business whose principal purpose is the collection of debts.

14. At all times material hereto, Defendant was acting as a debt collector in respect to the collection of Plaintiff’s alleged debts.

15. Defendant is a “debt collector” meaning any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due another.

FACTUAL ALLEGATIONS
Violation – Collection Letter

16. On April 21st, 2017 the Defendant filed a “Lawsuit” against the Plaintiff in the Justice Court, Precinct 4, Place 1 in and for Harris County, Texas.

17. The Plaintiff did not sign the alleged contract sued upon in Harris County.

18. The Plaintiff did not reside in Harris County at the commencement of the Lawsuit.

19. The Defendant had actual knowledge of the Plaintiff's correct address but engaged in forum abuse by filing the Lawsuit in a judicial district where Plaintiff did not reside at the commence of the action or signed the alleged contract sued upon.

20. The Defendant has engaged in unfair debt collection practices particularly forum abuse by filing a lawsuit against the Plaintiff in an improper judicial district permitting the Defendant to obtain a default judgment.

21. Plaintiff has suffered information, procedural, and due process injuries to his rights from Defendant's actions.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C.
§1692i *et seq.*

22. Plaintiff re-alleges and incorporates by reference paragraphs in this complaint as though fully set forth herein.

23. Defendant's debt collection efforts against Plaintiff violated various provisions of the FDCPA.

24. Section §1692i provides that: "Venue: Any debt collector who brings any legal action on a debt against any consumer shall-

(2) in the case of an action not described in paragraph (1), bring such an action only in the judicial district or similar legal entity-

(a) in which the consumer signed the contract sued upon; or

(b) in which the consumer resides at the commencement of the action.

25. Defendant brought the Lawsuit in a judicial district which was not where the Plaintiff signed the alleged contract sued upon.

26. Defendant brought the Lawsuit in a judicial district which was not where Plaintiff resided at the commencement of the action.

27. Therefore, Defendant has violated the FDCPA by engaging in unfair debt collection practices by engaging in forum abuse.

28. For these reasons, the Defendant is liable to the Plaintiff for statutory damages, costs, and attorney's fees.

DEMAND FOR TRIAL BY JURY

29. Plaintiff requests a trial by jury on all issues and counts so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, requests that the Court enter judgment in favor of Plaintiff and against Defendant for:

- (1) Statutory damages of \$1,000 as provided under 15 U.S.C. §1692k(a)(2)(A);
- (2) Reasonable attorney's fees, litigation expenses and costs of the instant suit, as provided under 15 U.S.C. § 1692k(a)(3); and
- (3) Such other or further relief as the Court deems proper.

DATED: June 19, 2019

Respectfully Submitted,

THE SHAWN JAFFER LAW FIRM PLLC

/s/ Shawn Jaffer.

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